

**UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM
ANNUAL REPORT
2000-2001**

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The University Committee on Academic Freedom met three times during the academic year 2000-2001 and considered the issues identified herein.

Proposed changes to APM 025.

UCAF's review of this proposal resulted in general support for the work of UCFW and the direction of the proposed policy. It was felt, however, that issues related to student-faculty relationships and their potential for conflicts of interest should not be included in the scope of this policy, but rather dealt with in a separate section of the Manual. Also, the Committee diverged on the issue of prior approval for specific activities. One view held that this policy would assign an undesirable amount of power to the chancellor; the other suggested that the prior approval authority provided a useful preventative function, and its power would be counterbalanced by existing mechanisms. UCAF holds that, while the proposed version of APM 025 may be rather detailed and complicated, it represents a distinct improvement over the current one.

Proposal for the Global Film School.

As the fruit of a thorough, albeit time-pressured, discussion UCAF submitted nine points of concern in response to this ambitious and fast-developing proposal. Among these points were: apparent minimal faculty involvement in the development of the plan; apparent lack of a comprehensive needs evaluation prior to planning; the possibility that the non-competitive clause may restrict faculty academic freedom; seemingly insufficient UC oversight of course quality; the need to provide advice in connection with individuals' agreements with GFS; the need to clarify the relationship between faculty involvement in GFS and the UC faculty review process; and the possibility of conflict of commitment.

Proposed Changes to APM 015 and APM 016.

UCAF would like to acknowledge the extensive work that went into revising and updating these complex policies. The Committee responded to the proposal with eleven points relating to substance or clarification, and made two additional points relating to contributory documents cited in the text of the proposed policy. For greater clarification UCAF recommended: use of more examples; citing specifics when making exceptions; drafting primary language instead of quoting references that are unavailable; and use of conforming language.

Substantive concerns on specific issues were, briefly, as follows:

- UCAF saw the need to re-examine the practical interrelationship between unacceptable behavior and ethical ideals and principles.
- In regard to a chancellor's authority to suspend pay in "rare and egregious cases" prior to a hearing, UCAF recommended reconsidering whether this policy would be justified and whether it is correctly categorized as a non-disciplinary action.

- UCAF viewed the incorporation of the entirety of APM 025 within the category of unacceptable behavior as leading to possible misuse and potential legal problems, and recommended changing the language to indicate that only serious and knowing violation of APM 025 would warrant sanction, and defining related misconduct as precisely as possible.
- The Committee was concerned that the terms of APM 075, which is used as support for the proposed policy, were not themselves sufficiently clear, and therefore should not be relied upon in their present form as foundation for the policy at hand.
- UCAF also saw the need to address an inconsistency between the code of conduct and APM 075.

California Whistleblower Protection Act.

The Committee offered support for the overall principles embedded in the draft, but expressed concerns both about possible misuse and about vagueness of language. UCAF recommends that the policy balance the rights of the accuser with those of the accused by explicitly stating the terms of liability for individuals who knowingly bring forth false accusations under the protection of the policy. Additionally, the committee advised including specific reference to university policy and mechanisms that would help someone falsely accused, and felt that the original language covering the scope of violation was adequate, and need not be elaborated as proposed.

Expansion of the Professor of Clinical X series.

UCAF concluded that the issues raised in this proposal did not overlap with those of academic freedom, but noted two points for consideration: 1) the ultimate impact of the expansion on the number of Academic Senate members is unclear; and 2) transfer from one series to another should be on the basis of a correlation between the individual's role and activities and the role and activities defined within the new series.

Copyright Issues.

- In its December meeting UCAF considered copyright issues in light of their relation to and effect on academic freedom. Although AB 1773 had already been passed by the time UCAF convened for the first time in the year, the Committee discussed the Bill's intent and effectiveness.
- In addition, the Committee discussed other potential or incipient problems of ownership and academic freedom in connection with distance learning. In its May meeting, UCAF began a review of the proposed changes to the University Policy on Copyright Ownership, and will submit recommendations next year.
- Because the consideration of academic freedom is integral to aspects of copyright, UCAF requested, and was given, a seat on the University Committee on Copyright beginning in 2001-2002.

Activities with Other Senate Committees.

UC Management of DOE Laboratories: Because of concerns raised about the research environment at LANL and LLNL, a representative from UCAF was appointed to the UCORP subcommittee that is charged with reviewing this relationship. The UCAF representative will regularly report to the Committee on the subcommittee's progress and

specifically on any issues related to academic freedom that may warrant Committee consideration.

UC Standing Committee on Copyright: Beginning in the 2001-2002 Academic Senate session, UCAF will have an appointed representative on the University Committee on Copyright.

Other Issues.

UCAF also considered the university's initiation of summer instruction, looking in particular at the involvement of faculty in decision making, how changes in scheduling may affect governance, whether course scheduling will have an impact on faculty academic freedom, and student concerns about fees and registration. In addition, the Committee reviewed the State Bureau of Audits Report on UC Gender Equity, and considered ramifications of the university's labor contract with its teaching assistants.

Proposed Changes to Bylaw 130. In response to a request from Academic Council Chair Cowan, UCAF reviewed the language of its bylaw and proposed a set of changes to render it appropriate to the scope and function of the Committee's activities.

Conclusion.

The 2000-2001 session of UCAF saw an expansion of its meetings and a re-invigoration of its activities. UCAF is committed to fulfilling a vital role within the Academic Senate and to actively and responsibly addressing important issues of academic freedom. The Committee anticipates a productive year in 2001-2002, seeing it as a time to define the purview and significance of academic freedom, and to enhance the Committee's presence within the Senate.

Respectfully submitted:

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